

ENTERED

March 23, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DANIEL R. BOWEN,

Plaintiff.

VS.

UNIVERSITY OF TEXAS MEDICAL
BRANCH,

Defendant.

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CIVIL ACTION NO. 3:19-cv-00382

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On March 5, 2022, all non-dispositive and dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A). Dkt. 19. Judge Edison filed a memorandum and recommendation on February 14, 2022, recommending that recommend that summary judgment be granted in favor of UTMB and this case be dismissed. *See* Dkt. 67


On February 28, 2022, the plaintiff filed his objections to the memorandum and recommendation. *See* Dkt. 68. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the court may “accept, reject, or modify, in whole or in part, the findings or

recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge Edison’s memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison’s memorandum and recommendation (Dkt. 67) is approved and adopted in its entirety as the holding of the court;
- (2) The University of Texas Medical Branch at Galveston’s Motion for Summary Judgment (Dkt. 34) is granted;
- (3) Plaintiff Daniel R. Bowen’s Motion for Summary Judgment (Dkt. 35) is denied;
- (4) Plaintiff Daniel R. Bowen’s Supplemental Motion for Summary Judgment (Dkt. 50) is denied as moot;
- (5) Defendant the University of Texas Medical Branch at Galveston’s Motion to Strike Plaintiff Daniel R. Bowen’s Supplemental Motion for Summary Judgment (Dkt. 54) is denied; and
- (6) The University of Texas Medical Branch at Galveston’s Second Amended Motion to Strike the Exhibits Attached to Plaintiff Daniel R. Bowen’s Reply in Support of His Summary Judgment Motion (Dkt. 60) is denied as moot.

SIGNED on Galveston Island this 23rd day of March 2022.


JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE